

MARK R. YOHALEM State Bar No. 243596
mark.yohalem@wsgr.com
CHRISTOPHER CHIOU, State Bar No. 233587
cchiou@wsgr.com
TREVOR N. TEMPLETON, State Bar No. 308896
ttempleton@wsgr.com
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
633 West Fifth Avenue, Suite 1550
Los Angeles, CA 90071-2027
Telephone: (323) 210-2900
Facsimile: (323) 210-7329

Attorneys for Defendant
MX Technologies, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALVIN LINCOLN, individually and on behalf)
of all others similarly situated,)
Plaintiff,)
v.)
MX TECHNOLOGIES, INC.,)
Defendant.)

CASE NO.: 2:23-cv-00806-MCE-KJN

**STIPULATION AND ORDER
SETTING SCHEDULE FOR
DEFENDANT'S RESPONSE TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

STIPULATION

Pursuant to Eastern District of California Local Rule 144 and Federal Rule of Civil Procedure 6(b), Plaintiff Calvin Lincoln and Defendant MX Technologies, Inc. (collectively, the “Parties”), by and through their respective counsel of record, respectfully request the Court vacate the existing deadlines in its July 18, 2023 Order Setting Schedule for Plaintiff to File First Amended Complaint and Related Filings (Dkt. No. 19) and enter a new order setting forth the following deadlines:

- **September 1, 2023**: Deadline for Defendant to file: (1) a motion to transfer venue and (2) a motion to dismiss;
- **October 6, 2023**: Deadline for Plaintiff to file oppositions to Defendants’ motions;
- **October 27, 2023**: Deadline for Defendant to file reply memoranda in support of the motion to transfer venue and the motion to dismiss.

The Parties come to this stipulation following a conference of counsel after Plaintiff filed his First Amended Complaint on July 28, 2023 (which includes a new count based on the Utah Consumer Sales Practices Act and a new count for unjust enrichment), where counsel discussed the two motions that Defendant intends to file: (1) a motion to dismiss and (2) a motion to transfer venue. Good cause exists for this stipulation because additional time (two weeks) would allow Defendant to fully assess the two new counts in the First Amended Complaint and, likewise, additional time (two weeks) would allow Plaintiff to fully prepare oppositions to Defendants’ two forthcoming motions.

THEREFORE, THE PARTIES JOINTLY STIPULATE AND RESPECTFULLY REQUEST THAT:

1. The Court vacate the existing deadlines in its July 18, 2023 Order Setting Schedule for Plaintiff to File First Amended Complaint and Related Filings (Dkt. No. 19);
2. The Court set September 1, 2023 as the deadline for Defendant to file its motion to dismiss and motion to transfer venue;
3. The Court set October 6, 2023 as the deadline for Plaintiff to file oppositions; and

4. The Court set October 27, 2023 as the deadline for Defendant to file reply memoranda in support of the motion to transfer venue and the motion to dismiss.

Dated: August 7, 2023

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Trevor N. Templeton

TREVOR N. TEMPLETON

633 West Fifth Avenue, Suite 1550
Los Angeles, CA 90071-2027
Telephone: (323) 210-2900
E-mail: ttempleton@wsgr.com

Attorneys for Defendant MX Technologies, Inc.

Dated: August 7, 2023

BURSOR & FISHER, P.A.

By: /s/ Stefan Bogdanovich (authorized by email 8/7/2023)

STEFAN BOGDANOVICH

1990 North California Blvd., Suite 940
Walnut Creek, CA 94596
Telephone: (925) 300-4455
E-mail: sbogdanovich@bursor.com

Attorneys for Plaintiff Calvin Lincoln

ORDER

Having considered the Parties' Stipulation, and for good cause appearing, IT IS
HEREBY ORDERED that:

(1) The existing deadlines in the Court's July 18, 2023 Order Setting Schedule for
Plaintiff to File First Amended Complaint and Related Filings (Dkt. No. 19) are VACATED;

(2) Defendant's deadline to file its motion to dismiss and motion to transfer venue is set
to September 1, 2023;

(3) Plaintiff's deadline to file oppositions to Defendant's motions is set to October 6,
2023; and

(4) Defendant's deadline to file reply memoranda in support of the motion to transfer
venue and the motion to dismiss is set to October 27, 2023.

IT IS SO ORDERED.

Dated: August 8, 2023


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE